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In the United States Patent and Trademark Office

Appellants:	Patsy A. Krautkramer et al.	Docket No.:	19,167
Serial No.:	10/664,260	Group:	3761
Confirmation No:	3401	Examiner:	Hand, Melanie Jo
Filed:	September 17, 2003	Date:	December 7, 2007

For: ASYMMETRIC MULTILAYER ABSORBENT ARTICLE

Brief on Appeal to the Board of Patent Appeals and Interferences

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 41.37 Appellants respectfully submit this Brief in support of their Appeal of Examiner Hand's **Final Rejection** of claims 1-22 which was mailed on August 10, 2007.

On October 3, 2007, Appellants, pursuant to 37 C.F.R. 41.31 mailed a timely Notice of Appeal. Thus, the time period for filing this Brief ends on December 3, 2007. A one-month extension of time is being submitted from the date of which the last office action was mailed, and thus the Brief will end on December 10, 2007.

Real Party in Interest

The real party in interest is Kimberly-Clark Worldwide, Inc., the assignee of record.

Related Appeals and Interferences

There are no known related appeals and/or interferences

Status of Claims

Claims 1-22 remain in the application with claims 1-22 being finally rejected. The appealed claims include 1-22 and appear in the CLAIMS APPENDIX of this Brief.

Status of Amendments

No Amendments After Final Rejection have been submitted.

Summary of Claimed Subject Matter

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The invention of Claim 1 is an absorbent feminine care article having a longitudinal direction, a lateral direction, first and second longitudinally opposed end portions, and an intermediate portion located between said end portions. (See, page 2, paragraph 4). The article includes a liquid-permeable cover, a baffle, and an absorbent body sandwiched between the cover and baffle. (See, page 45, lines 3-5). The absorbent body includes an intake layer and a longitudinally asymmetric shaping layer, and the shaping layer is positioned between said cover and said baffle. (See, page 2, paragraph 4). The shaping layer has a longitudinal shaping-layer length and a lateral shaping-layer width. (Id.) The intake layer is positioned between said cover and said shaping layer and has a longitudinal intake-layer length and a lateral intake-layer width. (Id.) The intake layer has an area extent which is smaller than an area extent of said shaping layer. (Id.) The shaping layer can include a first longitudinal half-length, a second longitudinal half-length, a narrow-section, a wide-section, and a transition-section. (id.) The transition-section is located between said narrow and wide sections of the shaping layer, the transition-section having lateral side edges which interconnect lateral side edges of the narrow-section of the shaping layer with corresponding lateral side edges of the wide-section of the shaping layer. (See, page 6, paragraph 28). The wide-section of the shaping layer includes a maximum lateral width of the shaping layer and includes a terminal end edge located in said first half-length of the shaping layer. (Id.) The narrow-section of the shaping layer includes a terminal end edge located in said second half-length of the shaping layer. (Id.) In further aspects, the intake layer is longitudinally offset toward an article region which is delimited by said first half-length of the shaping layer. (Id.)

Grounds of Rejection To Be Reviewed on Appeal

(1) Claims 1-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burnes et al. (U.S. Patent Application No. 6,608,236) in view of Bruce et al. (U.S. Patent Application No. 2003/0097109)

Argument

(1) Claims 1-22 are Not Obvious over Burnes et al. (U.S. Patent Application No. 6,608,236) In view of Bruce et al. (U.S. Patent Application No. 2003/0097109)

Burnes et al. discloses recited components of a personal care product. Bruce et al. is directed to a system for selecting feminine hygiene products. These products are selected by panty style. (See Abstract.) For certain styles, such as a thong, the feminine hygiene product may have a shape adapted to fit these panty styles. Nowhere, however, does Bruce et al., alone or in combination with Burnes et al., disclose, teach, or suggest the inventive elements of our asymmetric multilayer absorbent article.

Claim 1 in our application recites the presence of an intake layer, with the intake layer "longitudinally offset toward an article region which is delimited by said first half of the shaping layer."

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Burnes et al. teaches that absorbent articles comprise an absorbent core, with *optional* addition of a topsheet, backsheet, side wrapping elements, etc. (Col. 3, paragraph 34.) Thus Burnes et al. explicitly teaches using an absorbent core, alone, without any other component. Furthermore, Burnes et al.'s preferred embodiment is an absorbent core made of foam that absorbs liquids and moves them to other regions of the foam. (Id., paragraph 37.) In other words, a person of ordinary skill, reading Burnes et al., is led to employ the fewest materials possible in the purportedly inventive system. Burnes et al., gives little, if any, detail on the structure of individual articles in the disclosed arrays. Certainly a person of ordinary skill, reading this reference, is not led to employ a more sophisticated, multi-component article with at least one component, such as an intake layer, offset from other components along the length of the article.

Combining Burnes et al. with Bruce et al. does not change the above analysis. First of all, it's not immediately evident that a person of ordinary skill would combine the references. Again, Bruce et al. is directed to a purportedly inventive system, with little detail on construction of articles—and in fact emphasizing simple constructions with few materials. Burnes et al. is directed to a stabilized absorbent material in multi-component, personal care products. Even if the references are combined, nowhere is a person of ordinary skill led to longitudinally offset the location of an intake layer relative to other components. Accordingly, we respectfully request that the Board reverse the Examiner's obviousness rejection and allow the claims.

Conclusion

For the reasons stated above it is Appellants' position that the Examiner's rejection of claims has been shown to be untenable and should be reversed by the Board.

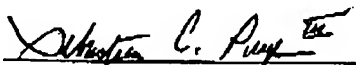
Please charge the \$510.00 fee (fee code 1402), pursuant to 37 C.F.R. 41.20(b)(2), for filing this Appeal Brief to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. Any additional prosecutorial fees which are due may also be charged to deposit account number 11-0875.

The undersigned may be reached at: 920-721-2747

Respectfully submitted,

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By:


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CERTIFICATE OF TRANSMISSION

I, Tammi M. Langin, hereby certify that on December 7, 2007 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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Tammi M. Langin

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Tammi M. Langin

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Claims Appendix

The claims on appeal are:

1. An absorbent feminine care article having a longitudinal direction, a lateral direction, first and second longitudinally opposed end portions, and an

intermediate portion located between said end portions, said article comprising:

a liquid-permeable cover;

a baffle; and

an absorbent body sandwiched between the cover and baffle;

wherein

said absorbent body includes an intake layer and a longitudinally asymmetric

shaping layer;

said shaping layer is positioned between said cover and said baffle, and has a

longitudinal shaping-layer length and a lateral shaping-layer width;

said intake layer is positioned between said cover and said shaping layer and

has a longitudinal intake-layer length and a lateral intake-layer width;

said intake layer has an area extent which is smaller than an area extent of said

shaping layer.

said shaping layer has first longitudinal half-length, a second longitudinal half-

length, a narrow-section, a wide-section, and a transition-section;

said transition-section is located between said narrow and wide sections of the

shaping layer, the transition-section having lateral side edges which

interconnect lateral side edges of the narrow-section of the shaping layer

with corresponding lateral side edges of the wide-section of the shaping

layer;

said wide-section of the shaping layer includes a maximum lateral width of the

shaping layer and includes a terminal end edge located in said first half-

length of the shaping layer;

said narrow-section of the shaping layer includes a terminal end edge located in

said second half-length of the shaping layer; and

said intake layer is longitudinally offset toward an article region which is

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delimited by said first half-length of the shaping layer.

2. An article as recited in claim 1, wherein said intake-layer length is smaller than said shaping-layer length, and said intake-layer width is smaller than said shaping-layer width.

3. An article as recited in claim 1, wherein said narrow-section of the shaping layer substantially avoids extending into an article region that is delimited by said first longitudinal half-length of the shaping layer.

4. An article as recited in claim 1, wherein said intake layer substantially avoids extending into a region of the article that is delimited by said narrow-section of the shaping layer.

5. An article as recited in claim 1, wherein at least about 55 % of the intake-layer length is located in an article region that is delimited by the first half-length of the shaping layer.

6. An article as recited in claim 1, wherein at least about 55 % of the area of the intake layer is located in an article region that is delimited by the first half-length of the shaping layer.

7. An article as recited in claim 1, wherein an inboard boundary of said narrow-section of the shaping layer is delimited by an upper-limit lateral dimension of not more than about 62 mm.

8. An article as recited in claim 1, wherein an inboard boundary of said narrow-section of the shaping layer is delimited by an upper-limit lateral dimension of not more than about 98% of said maximum lateral width of the

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shaping layer.

9. An article as recited in claim 1 wherein an inboard boundary said wide-section of the shaping layer is delimited by a lower-limit lateral dimension of not less than about 40 mm.

10. An article as recited in claim 1 wherein an inboard boundary said wide-section of the shaping layer is delimited by a lower-limit lateral dimension of not less than about 60 % of said maximum lateral width of the shaping layer.

11. An article as recited in claim 1 wherein
said transition-section of the shaping layer extends between a minimum lateral
dimension of said wide-section of the shaping layer, and a maximum lateral
dimension of said narrow-section of the shaping layer;
the shaping layer has a lower-limit lateral dimension; and
the lower-limit lateral dimension of the shaping layer is located in the second
half-length of the shaping layer.

12. An article as recited in claim 1, wherein said transition-section of the
shaping layer has tapering side edges that are substantially linear.

13. An article as recited in claim 1, wherein said transition-section of the
shaping layer has tapering side edges that are curvilinear.

14. An article as recited in claim 1, wherein said transition-section of the
shaping layer has tapering side edges, and at least a portion of each side edge
is substantially outwardly concave.

15. An article as recited in claim 1, wherein said intake layer has an intake-

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layer area, said shaping layer has a shaping-layer area, and the entirety of said intake-layer area lies within an article region that is delimited by said shaping layer area.

16. An article as recited in claim 1, wherein a terminal end edge of said intake layer is inwardly spaced from said terminal end edge of the narrow-section of the shaping layer by a narrow-end distance of at least a minimum of about 30 mm,

17. An article as recited in claim 1, wherein said narrow-section of the shaping layer includes a pair of laterally opposed side edges which are substantially parallel to each other.

18. An article as recited in claim 1, wherein said shaping layer includes at least about 5 wt% superabsorbent material and not more than about 75 wt% superabsorbent material.

19. An article as recited in claim 1, wherein
said shaping layer has a shaping-layer basis weight of at least about 100 g/m² and not more than about 400 g/m², a shaping-layer density of at least about 0.06 g/cm³ and not more than about 0.3 g/cm³, a shaping-layer total absorbent saturation capacity of at least about 5 grams and not more than about 30 grams of menses simulant A, and a shaping-layer area of at least about 100 cm² and not more than about 150 cm²; and said intake layer has an intake-layer density which is less than the shaping-layer density, has an intake-layer total absorbent capacity which is less than the shaping-layer total absorbent capacity, and has an intake-layer area which is less than the shaping-layer area.

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20. An article as recited in claim 17, wherein said shaping layer includes a stabilized airlaid, fibrous material having binder fiber therein.

21. An article as recited in claim 17, wherein said intake layer includes a stabilized airlaid, fibrous material having binder fiber therein.

22. An article as recited in claim 17, wherein said article further includes asymmetric narrow-section-wings

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Evidence Appendix

None.

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Related Proceedings Appendix

None.
